

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

KAREN POTEAT, *etc.*

Plaintiff

v.

VISIONWORKS OF AMERICA, INC.

Defendant

Case No. 1:15-cv-02306

Judge James S. Gwin

CHERYL LENART, *etc.*

Plaintiff

v.

VISIONWORKS OF AMERICA, INC.

Defendant

Case No. 1:16-cv-02505
(*Consolidated*)

**ORDER APPROVING ATTORNEY'S FEES, EXPENSE REIMBURSEMENT,
COSTS OF ADMINISTRATION, AND SERVICE PAYMENTS**

This matter is before the Court on Plaintiffs' Motion for Approval of Attorney's Fee, Reimbursement of Expenses, Reimbursement of Administration Costs, and Service Awards¹ and a Final Approval Hearing held July 31, 2017.

1. The Court finds the Plaintiffs' request for attorney's fees to be reasonable and awards a fee of \$1,100,000:

a. The Court finds the value of the benefit provided to class member claimants is exceptional: over 62% of the Plaintiffs' damage model had they prevailed on their claims at trial; that the class reaction was favorable (no objections, less than 1% opt-

¹ Doc. 62.

outs, and a 20% claims rate; and that class members claimed most of the Gross Settlement Amount (between 48.4% and 62.1% of that amount).

b. The Court finds that the value of the services rendered by Plaintiffs' Counsel on an hourly basis were substantial, over 1100 hours of attorney time in a case that was aggressively litigated over the course of nearly three years and from its inception.

c. The Court finds that Plaintiffs' Counsel undertook this litigation on a contingency-fee arrangement, and therefore forewent payment for their time and effort, and bore all risk that no recovery would result therefrom.

d. The Court finds that compensating attorneys who take on class action matters, especially on a contingent-fee basis, serves society's interests, especially in consumer-protection matters.

e. The Court finds that this case was complex and presented considerable risks: the case involved multiple remand orders, an interlocutory appeal, fiercely contested discovery issues, no less than five dispositive motions, and an unsettled area of law regarding actual damages in an inflated-price case.

f. The Court finds that Plaintiffs' Counsel are experienced, skilled, and qualified class action attorneys who vigorously represented the interests of the class. Moreover, Visionworks was also represented by exceptional, skilled, and qualified class action defense attorneys who aggressively defended their client's interests.

2. The Court finds that Plaintiffs' Counsel expenses were reasonably incurred. The Court awards reimbursement in the amount of \$14,638.55.

3. The Court finds that KCC, LLC's claims administration costs are reasonable and necessary for this case. The Court awards KCC costs in the amount of \$126,359.61.

4. The Court finds that the requested service payments to Plaintiffs Cheryl Lenart and Karen Poteat are reasonable and provide incentive for consumers to become class

representatives and to seek recoveries on behalf of a class of others. The Court awards Ms. Lenart a \$1,000 service payment and Ms. Poteat a \$1,000 service payment

5. The awards shall be distributed from the Gross Settlement Amount as set forth in the parties' Settlement Agreement.

IT IS SO ORDERED.

s/ James S. Gwin
James S. Gwin, United States District Judge

8/8/17
Date